

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LEON TAYLOR,

Petitioner,

v.

DONALD ROPER,
SUPT., POTOSI CORRECTIONAL CENTER,

Respondent.

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No. 04-8002-CV-W-FJG

ORDER

Pending before this Court is petitioner's motion for leave to take depositions (Doc. No. 40). Petitioner seeks discovery from Jackson County Assistant Prosecutors Michael Hunt and Daniel Miller, as well as Missouri Attorney General Jeremiah (Jay) Nixon in order to attempt to determine the location of certain counseling records of the state's witness, Sarah Yates. Respondent notes that after the trial court's in camera review of Ms. Yates' counseling records, the defense did not request that the records be marked as an exhibit, or kept by the court or its clerk under seal. After a review of the briefing on this motion, the petition, response, and traverse, the Court finds that petitioner has not demonstrated that the content of the counseling records would be material and favorable. See Pennsylvania v. Ritchie, 480 U.S. 39, 58 (1987). Therefore, petitioner's motion for leave to take depositions (Doc. No. 40) is **DENIED**.

/S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr.

United States District Judge

Dated: March 6, 2006
Kansas City, Missouri